

The value of THE JOURNAL to advertisers, and one trial will bring those who deal in Real Estate to our way of looking at the matter of advertising.

## LAWYERS' DUEL OF QUIBBLES FOR MRS. FLEMING'S LIFE.

State Foiled in Its First Attempt to Introduce the Dying Declaration of Her Mother Through the Physician, Dr. Bullman.

Dr. O'Sullivan, Pitted Against His Former Partner, Defeated in a Wary Bout

MR. BROOKE SCORED MOST POINTS.

The Defendant an Uninterested Observer and an Inattentive Auditor During Testimony on Her Mother's Death.

By Edgar Saltus.

Mrs. Fleming strolled into court yesterday with her usual matinee air and her pretty sister in leash. Mr. Brooke, who was already on hand, greeted them after the fashion of a host receiving his guests. But immediately he was forced to divert his attention. Dr. Bullman, the physician in ordinary to the late Mrs. Bliss, had taken the stand, and the questions put to him by Dr. O'Sullivan, the medico-legal expert for the prosecution, became so exciting that presto! Mr. Brooke jumped to his feet, drew on the gloves, and the fight began—a triangular wrangle between the Court, the prosecution and the defence, in which all three tried to be heard at once. As Dr. O'Sullivan had the loudest voice, and the most emphatic manner for a moment he talked the others down, but only for a moment. Mr. Brooke would not be stilled. He pleaded and expostulated so vehemently that the statement which had caused the riot was ordered to be stricken out.

That statement was to the effect that Mrs. Bliss had told the witness on the day of her death that she had eaten clam chowder, that it was poisoned, and that she was going to die.

But Dr. O'Sullivan was not in court for the fun of it; he was not to be outdone either, and after warning Dr. Bullman not to answer until he had permission to do so, he put the previous inquiry in another form.

**The Dying Declaration.**  
"Tell me," he said, "did Mrs. Bliss make this answer to any question you put to her? Doctor, I have been poisoned. I know it. A relative sent me some clam chowder and a piece of pie to-day, and within ten minutes after I had eaten it I began to vomit. It made me deathly sick. I had no one to send for you. Did she say that to you?" Dr. O'Sullivan continued, "and did she in reply to another question say that the relative to whom she alluded would at her death inherit a large sum of money?"

As Dr. O'Sullivan asked these things he held in his hand a copy of the testimony which Dr. Bullman had given before the Coroner. From this he read, and he read so fast, in a tone so loud, that he had his say before an objection could be entered or an expostulation expressed. The jury had heard, the Court, too, and every one else.

Mr. Brooke was on his feet; he was crimson with indignation, and that indignation he displayed with such freedom, force and violence that the Recorder, to keep the peace it may be, instructed the jury to dismiss what they had heard from their minds—an injunction easy to give, but rather difficult to obey. In no wise did it appease Mr. Brooke.

**Contrasted Lawyer and Client.**  
"You ought to know better than to ask such a question when a woman's life is at stake," he shouted at Dr. O'Sullivan, who shrugged a shoulder by way of reply. "If you are seeking to convict her in any such fashion, you just want. It is the most marvelous exhibition I have ever seen in a court."

During the entire episode it was curious to note the absence of emotion on Mrs. Fleming's face. Her sister, whose self-control is almost equally apparent, sat pale and motionless, but as the tide ran now in favor of the defence, now in favor of the prosecution, Mrs. Fleming's features neither contracted nor relaxed, and it was only once or twice that the wholly involuntary tremor of a muscle, the faintest suffusion of the cheek, told of nerves strained to concert pitch, told that behind the mask there is perhaps less indifference than anguish; told, too, that, innocent or guilty, that woman is heroic.

In that corner of the court room emotion and the display of it was confined to Mr. Brooke. There were moments when there was no acting in his anger, moments in which he grew purple from sheer rage. Meanwhile the questions continued, questions put in one way, in another, in every form, manner and shape which the limited ingenuity of Dr. O'Sullivan could devise to bring out the fact that Mrs. Bliss had been poisoned, that she knew it, and that she died from its effects. But questions which, however put, were met each time and each time held up.

**A Duel of Quibbles.**  
It was like the clashing, not of tongues, but of foils; a duel, not for a woman's honor, but for her life. And so absorbing was it that the great room was hushed. Even from the days in the street without no rumble came. The proverbial pin could have been dropped. Each thrust and parry was noted in silence and in silence applauded, too, while beneath his panoply the Recorder sat, an umpire at the fust.

As a physician Dr. Bullman may be good, bad or indifferent, but as a witness yesterday morning he was excellent. He was clear, precise, unembarrassed, determined to tell the truth. Excellent as a witness for the prosecution, he was rather awkward for the defence; a witness not readily confused, one whom forensics did not much disturb. At one point Dr. O'Sullivan, with a ring of genuine bull, declared that he was being gagged, bullied, and intimidated, at the plaintiff, if affecting, was late. Dr. the morning session Dr. Bullman



showed that he was quite competent to take care of himself.

**Diagnosis and Treatment.**  
The gist of that session, apart from the clam chowder episode, was the medical treatment which Mrs. Bliss received, and as the majority of the early objections of Mr. Brooke had been sustained, during the examination that followed Dr. O'Sullivan grew warier and less defiant.

"Tell me," he said to the witness, "what did you prescribe for Mrs. Bliss on the two visits you made her?"

"On my first visit," the witness answered, "I gave her an injection of atropia and sulphate of ammonia. On my second visit I gave her a hypodermic injection of whiskey and digitalis."

"You had previously arrived at a diagnosis?"

"Yes; gastritis."

The witness then added that he made a prescription for twelve powders composed of bismuth, bicarbonate of soda and one-twelfth of a grain of morphia, which he took to Rawlings's pharmacy, at One Hundred and Thirty-fifth street and Eighth avenue, and there gave instructions that the powders should be sent to Mrs. Bliss at once.

"When I returned at 8 that evening," the witness continued, "I found Mrs. Bliss mentally relieved, but the objective symptoms were increased."

**Medicine Not Administered.**  
"How was her mental condition on your first visit at 6:30 p. m.?" asked Dr. O'Sullivan.

"She was in an extremely nervous condition."

"Did you learn whether the medicine you prescribed had been given?"

"I found it had not been touched."

"What did her symptoms then indicate?"

"They indicated poison, an irritant poison, and my treatment was to sustain life."

"Did you notice her eyes?"

"The outer covering was much inflamed. I prescribed the one-hundredth of a grain of atropia-glycerine to restore the balance of her blood, as all the small arteries in her system were contracted. It was then I gave her the digitalis and whiskey and one of the powders."

"Did you give instructions to any one in the flat as to giving the medicines in your absence?"

"I did—to Mr. Tsubener."

Mr. Brooke objected to this and was sustained. The witness, however, was permitted to testify that Mr. Tsubener called at his office about 11 o'clock, told him that Mrs. Bliss was very low, and that when he himself reached the flat at 11:15 he found Mrs. Bliss had been dead about ten minutes.

**The Cautious Physician.**  
Dr. Bullman further testified that he gave certain instructions to keep persons out of the flat. He collected pie crumbs and what appeared to be a piece of clam out of a white pitcher, which he turned over to the Coroner the next morning, Saturday.

"I went to the undertaker," the witness continued, "and told him about removing the body and that there was strong suspicion of poison in the case."

"Hold on," shouted Mr. Brooke, "I object."

"This witness," retorted Dr. O'Sullivan, "is an intelligent physician, a conscientious man, who felt it to be his duty to warn the undertaker that there must be no embalming fluid used, as it might destroy all trace of poison."

"I object to that also," said Brooke. "Dr. O'Sullivan is not on oath."

"Strike that out," ordered the Recorder.

Having disposed of his duty with the undertaker, the witness said he examined the body for marks of violence, but found none. He carried off the white pitcher, which a previous witness had said remained out on the fire escape all that night. He then came to the autopsy, which was made by Dr. O'Hanlon, on August 31, 1895.

"Did you assist at the autopsy?" asked Dr. O'Sullivan.

"I was present as an onlooker."

"Did you see anything that attracted your attention?"

"I did."

To this Mr. Brooke objected, but was overruled.

"The stomach was congested," continued the witness. "That indicated an irritant poison. There was a redness about it, too, which was unmistakable."

"Have you attended previous autopsies where there were similar indications?"

"I have."

"And you arrived at a conclusion as to the cause of death?"

"I did."

"What was that conclusion?"

"That the cause of death was acute gastritis, arising from an irritant poison."

**In the Hands of Mr. Brooke.**  
Thereupon, after witness had explained that he did not taste either the pie crumbs or the piece of clam found in the pitcher, he was turned over to Mr. Brooke and he cross-examination was begun.

"Tell the jury," said Mr. Brooke, "how many cases of acute gastritis have come

# THE JOURNAL.



Goussiel and Experts in the Fleming Trial.

The senior counsel for the defence, Mr. Brooke, is assisted in the examination of physicians and chemical experts by Professor Withaus, who has frequently appeared as an expert on the side of the prosecution in murder trials. Dr. O'Sullivan, who is both lawyer and physician, and has hitherto appeared only on the side of the defendants in murder trials, represents the State in this case. He was formerly Mr. Brooke's partner, but they fought bitterly yesterday over each point of testimony. Colonel Dawson is one of the most energetic of Mrs. Maybrick's friends, and worked hard to secure a commutation of her life sentence.

under your personal supervision previous to this case."

"I suppose a hundred," was the reply.

"Have you seen as many as a hundred?"

"I can't answer that now."

"Have you attended ten cases?"

A satisfactory answer not being forthcoming, Mr. Brooke read a long extract from Osler, giving the various symptoms of gastritis and catarrhal gastritis, one of them arising from alcohol, which was particularly perceptible after a drinking bout; another from gout. Dr. O'Sullivan made some sardonic reference to the counsel's reading medical excerpts, which angered Mr. Brooke, but he continued to read further about coated tongues, colic symptoms and susceptibility of children to gastritis. Finally he asked the doctor if he noticed these symptoms of nausea and eructation vomiting.

"Yes," the witness replied.

"Was there any increase of saliva?"

Dr. Bullman smiled and said: "Saliva does not come from the stomach."

"What was her pulse?"

"It was 85."

"What is a normal pulse?"

"About 75 or 80. You will find some healthy persons, however, with a pulse at 60."

"What was Mrs. Bliss's temperature at 6:30 p. m.?"

"It was 98.6-10."

"And at 8 o'clock?"

"It had fallen 9-10, to 98."

**Tangling Interrogatories.**  
Dr. O'Sullivan undertook to defend the witness, saying he was a conscientious physician, and that it was unfair to badger him with immaterial questions.

"Oh, we have heard that two or three times," Mr. Brooke replied with anger.

"Now, we want to see whether he is so or not." He had noticed Dr. Bullman reading from a memorandum, which he evidently wanted to see. But before his point, he asked:

"Can you recollect any case and tell the jury the temperature of any patient you attended professionally in 1895, except the case of Mrs. Bliss?"

"No," replied the witness.

"Have you a record of Mrs. Bliss's temperature?"

"I have."

"Will you let me have it?"

O'Sullivan took the piece of paper, read it over, and then declared that as his witness had not used it in his direct examination, the defence had no right to it. But all the same Mr. Brooke finally succeeded in getting it, and had it marked for identification.

"Are you perfectly satisfied that your diagnosis of Mrs. Bliss's illness on the 30th of last August," Mr. Brooke asked, "was a proper and correct one?"

"I am," the witness answered; "I saw nothing at the autopsy to change it."

The court adjourned for luncheon.

**Dr. Bullman's Ordinal.**  
Hostilities were resumed at 2 o'clock. Questions which Dr. O'Sullivan characterized as compound, double and ambiguous were put to the witness with such effect that the impression which he had previously made occasionally was dimmed. For that matter, at one time it looked to the writer, and perhaps also to the witness, as though Mr. Brooke might endeavor to show that if Mrs. Bliss was poisoned the poison was administered by Dr. Bullman himself.

"What did you give her an injection of morphia for?" Mr. Brooke asked with a curiously suspicious air.

"I thought," Dr. Bullman answered, "that it was the best thing for me to do."

"Is morphia an antidote for irritant poi-

son, and treatment, you left undone precisely those things which you should have done?"

"At first I did not diagnose the case as poisoning," the witness explained by way of answer. "On the second visit I gave the patient some milk and the white of an egg—raw."

"Did you give it to her yourself?"

"No, I told Mrs. Van Norden and the others to do so."

"Did Mrs. Van Norden ever tell you that she had given the milk and egg as directed?"

"No."

Here the witness was asked if he had not testified before the Coroner that when he last visited Mrs. Bliss she was so hysterical that he gave her a hypodermic injection to quiet her, but Dr. O'Sullivan objected, and after some discussion the question was withdrawn.

"Do you," asked Mr. Brooke, "recollect answering Mr. McIntyre at the inquest that acute gastritis, probably induced by poison, was the cause of death, but that

you could not tell the exact cause of death at the time?"

"Yes, I do," the witness answered.

Copies of the two other prescriptions Dr. Bullman had written for Mrs. Bliss were made by him at Mr. Brooke's request and read to the jury. The first was for a combination of sublimated bismuth, bicarbonate of soda and sulphate of morphia. The second was for nitro-glycerine tablets, and the third was for a half pint of whiskey.

"For what did you give the nitro-glycerine?"

"To relieve the action of the heart."

**Michigan Cheese Poisonings.**  
Taking up a work by Professor Victor C. Vaughan, Mr. Brooke read an account of a number of cases of cheese poisoning reported in Michigan in the Summer of 1883. About 3,000 persons had become violently ill from eating cheese, and many physicians had mistaken the symptoms for those of arsenic poisoning. Mr. Brooke read the symptoms as described by Professor Vaughan and asked the witness if they were not the same as those he had observed in the case of Mrs. Bliss. Dr. Bullman said that some of them were. Mr. Brooke said that these were cases of bacterial poisoning, and started to question the witness about bacteria.

Dr. O'Sullivan interrupted, saying that the witness was not an expert; that he was trying to give honest and fair answers, while Mr. Brooke was constantly characterizing his answers as evasive.

"It must be pleasant for the witness," interjected Mr. Brooke, "to hear himself called conscientious every ten minutes."

"That is because you overlook the fact," said Dr. O'Sullivan.

"No," retorted Mr. Brooke with a sneer, "I do not recognize it. And as for the question, I withdraw it."

**The Doctor's Experience.**  
Asked about the number of arsenic and antimony poisonings cases he had seen, Dr. Bullman answered that he had attended autopsies in about a dozen cases. But that before the case of Mrs. Bliss he had had no experience with one in which the two drugs were combined or in which the latter had been used alone. These were hospital or coroner's cases. He had learned from the autopsy that the arsenical poison had caused death.

"How many cases have you treated yourself for arsenical poisoning in your professional career?"

"Three or four. Two of these were verified—it was afterward proven conclusively—that they were cases of arsenical poisoning."

"Did you prescribe bismuth in any of these cases?"

"I don't remember."

Mr. Brooke then passed to the meeting which occurred between Dr. Bullman, Mrs. Van Norden and the others in Mrs. Bliss's flat after the latter's death.

"Do you remember," he asked, "saying to Mrs. Van Norden that Mrs. Bliss's death was due to heart failure?"

"No."

"Do you remember saying to Mrs. Van Norden and Mrs. Phillips, the nurse, that they were to say nothing about poison, as they might get themselves into trouble?"

Dr. O'Sullivan said, "I object," and began talking to Mr. McIntyre. Mr. Brooke leaned over Dr. Withaus's shoulder and talked emphatically to Mr. Shaw and his other associates for a few seconds, while Dr. Bullman looked on in amazement. Mr. Brooke arose and said quietly:

"I withdraw the question."

**The Fatal Pitcher.**  
Then he switched to the pitcher which is supposed to have contained the poisoned chowder. Dr. Bullman said he first saw it when Mrs. Phillips brought it to him.

"Did you examine it and its contents?"

"Yes—that is, I only looked at its contents. There was a whitish substance in the bottom that looked like sugar. It was mixed with a greasy substance, and there was also a small dark object that looked like a piece of clam. I judged that it was a piece of clam, because something had been said about clam chowder before Mrs. Bliss died."

"Might not that white substance have been salt?"

"No; it looked more like sugar."

When asked about the autopsy, at which he was present, Dr. Bullman said that he, Dr. O'Hanlon, the Coroner's physician, Detectives Sawyer and Moore and the undertaker were there. He told how the various organs were removed and examined. All were put back except the stomach. When that was opened its contents were poured into a bottle by Dr. O'Hanlon, who afterward took the bottle away with him.

**Nephritis or Poison.**  
Mr. Brooke questioned the witness closely about the condition of the kidneys and

heart. The kidneys showed signs of chronic nephritis.

"Does not chronic nephritis almost invariably terminate in death?" was asked.

"It might indirectly cause death by bringing on other diseases."

"Were not some of the symptoms you observed in Mrs. Bliss's case those attending chronic nephritis?"

"No."

Mr. Brooke read from Osler the symptoms attending chronic nephritis, and asked if they did not agree with the symptoms in Mrs. Bliss's case. The witness said they did.

As to the heart, Dr. Bullman said that it showed a contraction of the valves, but he believed that to have been due to old age. He was not surprised to see it in Mrs. Bliss's case. She was about sixty years old.

This ended the cross-examination of Dr. Bullman, and Dr. O'Sullivan took him in hand again.

"Mr. Brooke asked you about a mustard plaster. What object had you in recommending it?"

"My object was to get Mrs. Van Norden, who went for the plaster, out of the room so that Mrs. Bliss could make a statement to me which she would not make in Mrs. Van Norden's presence."

Mr. Brooke jumped to his feet and objected vigorously to the question and answer. He wanted them stricken out, but was overruled by the Recorder.

Before Dr. Bullman stepped down Mr. McIntyre announced that the prosecution would call him again later in the trial, when he would be asked to tell exactly what Mrs. Bliss said to him in her dying statement. He would not be questioned on that point until after testimony leading up to and laying a foundation for it had been introduced.

**Dr. O'Hanlon's Autopsy.**  
Coroner's Physician Philip J. O'Hanlon was called. After reading some of his experience as a physician he stated that he went to the Bliss flat on Aug. 31, 1895, to perform an autopsy on the body of Mrs. Bliss.

Dr. Bullman, an undertaker and Detective Sawyer and Moore were present. He described how he opened the body, how he removed the heart, lungs, liver, kidneys, brain, spleen and stomach. The stomach was filled with a dark fluid, which he poured into a bottle. On examining the interior walls of the stomach he found congestion and acute inflammation, due to sudden irritation.

At this juncture 4:30 o'clock—Mr. McIntyre interrupted the proceedings by asking for an adjournment. He said that he was not feeling well enough to go on, whereas the court adjourned until this morning.

**A Weirdest Court.**  
During the long, dull afternoon, both the defendant and her sister sat with half closed eyes and a family air of weariness. Questions and answers passed them unheeded, and when occasionally, for distraction sake, they looked about it was at the fabulous beasts on the fluted columns that supported the ceiling of the room. The lack of interest manifested by them was exhibited too by the audience, in a measure also by the attorneys. Dr. O'Sullivan, who had been so fierce and defiant in the morning, uttered his later objections in a perfunctory, weary way.

The snap and fire seemed to have gone from the case. Even Mr. Brooke's anger subsided. He put his questions and received the answers in a manner which was almost conciliatory. Taunts had ceased and hostility waned. It was the heat perhaps, the sultriness of a Summer afternoon, that put a somnolence in the air, an apathy upon the court. In the tedious of the proceedings the spectators forgot that they had come to see a woman tried for her life, and it was with a yawn rather than a sigh that they heard the court adjourn.

**BOY SLEEPER AWAKENED.**  
Consciousness Returns, but He Is Unable to Talk Coherently—Mrs. Rosenfeld's Relapse.

Morris Front awakened from his thirty days' sleep yesterday, but is so far unable to speak. Front gave signs of returning consciousness several days ago, and Tuesday opened his eyes for a few minutes. Shortly after daylight yesterday he awoke, looked around and showed by his expression that he appreciated his surroundings. All efforts to get him to talk, however, failed. His power of speech seemed to be gone and his attempts to talk resulted in throat sounds. Dr. Nelson believes that Front will be able to talk coherently within a few days.

Mrs. Monroe Rosenfeld, who awakened Tuesday after a fifteen days' sleep, had a relapse yesterday and became unconscious. Mrs. Rosenfeld's temperature was considerably more than 100 degrees yesterday and her pulse 121. Her husband said last night that he would arrange to have her removed to a hospital to-day.

Enough letters from cranks to fill a basket were received by the husband yesterday. Several persons also sent tracts asking that they be read to the sick woman. One person sent a postal card, on which was written "Remember, Remember, Remember Christian Science Has Done Wonders."

**Ex-Congressman Sessions Dead.**  
Jamestown, N. Y., May 27.—Walter L. Sessions dropped dead on the street at Lakewood this afternoon. He had been in good health up to this time, and it is probable he died from heart disease. He was seventy-six years of age. Sessions was a prominent attorney of this city. He represented this district in the Assembly in 1893-94, was State Senator in 1890-91 and 1896-97, and was member of Congress in 1871-75 and 1885-87.

**Superintendent of Lamps McCormick Approves the System of Twin Burners as the Best Temporary Substitute for Electricity.**

The plan for the better lighting of the Western Boulevard has been tested and approved by the city officials, and it will probably be but a few days till the popular cycling highway is as well illuminated at night as wheelmen could reasonably expect. Three blocks of the long thoroughfare are now equipped with the new lamps, and as cyclists passed these blocks last night there were many expressions of satisfaction and of praise for the Mayor.

The portion of the Boulevard on which the lights are being tested is from Seventy-fifth to Seventy-eighth street. Hitherto it has been as gloomy after nightfall as a country road, the gaslights being like so many fireflies. Pedestrians crossing have been in constant danger of being run down by bicyclists and cyclists themselves have collided so frequently that a startling mechanical started a repair shop near by, out of which he has been making a fortune by doing business at night. Because these blocks have been about the darkest on the Boulevard they were selected by Superintendent McCormick, of the Bureau of Lamps and Gas, for the test, and C. C. Simpson, of the Consolidated Gas Company, fitted out the lamps with the new burners.

Between Seventy-fifth and Seventy-sixth streets there are six blocks. In place of the three-foot burners. On the next block two three-foot burners were placed in each lamp, and from Seventy-seventh to Seventy-eighth street three two-foot burners were used. The amount of gas consumed—six feet per hour—is the same with each burner, and by the use of any of them the illuminating power is doubled.

Mayor Strong, Commissioner of Public Works, City Engineer, Street-Cleaning Commissioner, Waring and Corporation Counsel Scott witnessed the test, as did also hundreds of wheelmen, and the city officials unite in saying that some one of the newly devised burners is just what is required to make the Boulevard light enough for safety.

They could see the difference between the old and new lights by comparing the three blocks with parts of the Boulevard above and below. They heard wheelmen speak in praise of the improvement, and saw further proof of the efficiency of the new burners by reading a newspaper while standing near the middle of the Boulevard. After remaining about fifteen minutes in the three blocks, the city officials drove down the Boulevard to be finally convinced that better light is needed, and then returned to their homes.

As it appeared to unofficial eyes, the new lights, while not as brilliant as electric lights, make the street bright enough for safe riding. There are eight of the lamps in each block, which makes it necessary for the rays to be thrown over a radius of about fifty feet. The other Boulevard lamps fall to do this, but the new ones throw the light from 75 to 100 feet, and are strong enough to make it possible to read a paper fifty feet away.

Below Seventy-fifth street and above Seventy-eighth street last night the old lamps suffered from comparison. While standing within the better lighted section, it looked to the spectator as if wheelmen approaching were emerging from a bank of fog.

**Mayor Strong:** It was a very satisfactory test. The new lights are as good as was claimed for them, and certainly make the Boulevard clear enough for all who want to use it. The improvement was so apparent that I think all the city officials favor it. With the present lights the Boulevard is dangerous for wheelmen, and, in addition, it is gloomy for others going out for pleasure. The poor quality of the lights was never made so apparent to me as when the better ones